

IPW

PATENT

SN-US035135



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kouji UNO et. al.

Patent Art Unit: 3681

Serial No.: 10/721,070

Examiner: Richard M. Lorence

Filed: November 26, 2003

For: ELECTRICAL SHIFT AND BRAKE CONTROL DEVICE

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

Transmitted herewith is a Response to Election (Restriction) Requirement in the above-identified application:

☒ No additional fee is required.

The fee has been calculated as shown below:

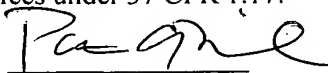
| CLAIMS | | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|--|---------------------------------------|---|------------------|--------------|---------------|------------------------------|---------------|
| REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | | PRESENT EXTRA | RATE | ADDIT. FEE | RATE | ADDIT. FEE |
| TOTAL 49 | - 49 | = | * | x 25 = | \$ | x 50 = | \$ |
| INDEP 3 | - 3 | = | * | x 100 = | \$ | x 200 = | \$ |
| [] 1ST PRESENTATION OF MULT. DEP. CLAIM | | | | + 180 = | \$ | + 360 = | \$ |
| | | | | TOTAL | \$ | TOTAL | \$ |

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1836. A duplicate copy of this sheet is attached.

☒ Any additional excess claim fees under 37 CFR 1.16.

☒ Any additional patent application processing fees under 37 CFR 1.17.

Dated: February 28, 2005


Patrick Hilsmer
Reg. No. 46,034

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For: ELECTRICAL SHIFT AND BRAKE CONTROL DEVICE

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

The February 22, 2005 Office Action includes an Election of Species Requirement that indicates that this application contains claims directed to three (3) patentably distinct species. More specifically, Applicants are required to elect one of the following patentably distinct groups/species for prosecution on the merits under 35 U.S.C. §121:

- I. Figures 10-14 (claims 1-4, 6-9 and 13-29);
- II. Figures 15-21 (claims 1-4, 6, 10-26 and 30-32); and
- III. Figures 22-28 (claims 1-3, 6-9 and 35-49).

Additionally, the Office Action indicates that claims 1-3 and 6 are believed to be generic to the three (3) patentably distinct species.

In response, Applicants hereby elect *Species I* illustrated in Figures 1-14 *without traverse*. Applicants believe that claims 1-4, 6-9 and 13-29 read on the elected Species I. Accordingly, Applicants respectfully request examination of claims 1-4, 6-9 and 13-29. Claims 5, 10-12 and 30-49 are believed to be directed to non-elected species. Thus, these claims 5, 10-12 and 30-49 can be withdrawn from consideration in this case. However, Applicants

Appl. No. 10/721,070
Appl. Filed: November 26, 2003
Response dated February 28, 2005
Reply to Office Action of February 22, 2005

respectfully request that these non-elected claims be rejoined in this application and considered upon the allowance of a generic and/or linking claim in accordance with U.S. patent practice.

* * *

Prompt examination on the merits is respectfully requested.

Respectfully submitted,



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Dated: February 28, 2005

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